



**CITY COUNCIL  
ATLANTA, GEORGIA**

**03-0-0961**

**AN ORDINANCE**

**BY: COUNCILMEMBER DEBI STARNES**

**AN ORDINANCE TO APPROVE THE CITY OF ATLANTA'S PARTICIPATION IN A PROGRAM TO INSTALL BICYCLE RACKS IN DOWNTOWN ATLANTA; TO AUTHORIZE THE MAYOR OR HER DESIGNEE THE COMMISSIONER OF PUBLIC WORKS TO ENTER INTO AN AGREEMENT WITH THE DOWNTOWN ATLANTA COMMUNITY IMPROVEMENT DISTRICT RELATING TO SUCH PROGRAM; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, by resolution designated "95-R-1374," as amended by supplemental resolution "02-R-0241," the City of Atlanta activated and consented to the creation of the Downtown Atlanta Community Improvement District (the "District") to provide, accelerate, supplement, and enhance governmental services and facilities in the geographic area served by the District as permitted under the Atlanta Community Improvement District Act, 1991 Ga. Laws 3653, as amended; and


**WHEREAS**, the City of Atlanta has determined a program to place and install bicycle racks at various locations in Downtown Atlanta will enhance the use of streets and sidewalks by encouraging the use of alternative transportation in the portion of the City of Atlanta served by the District, and thus improve the general welfare of the City's citizens, workers, and visitors; and

**WHEREAS**, the City of Atlanta has determined that the Mayor or her designee the Commissioner of Public Works is the appropriate City official to execute and oversee an agreement with the District governing this program,

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**Section 1.** The City of Atlanta agrees to participate, in cooperation and partnership with the Downtown Atlanta Community Improvement District, in a program to place and install bicycle racks in various locations in Downtown Atlanta along sidewalks and other public rights-of-way in the geographic area served by the Downtown Atlanta Community Improvement District.

**Section 2.** The Mayor or her designee the Commissioner of Public Works is hereby authorized to enter into an agreement with the Downtown Atlanta Community Improvement District for the operation of the "Downtown Atlanta Bicycle Rack Program" substantially in the form attached hereto as Exhibit "A."



**Section 3.** To the extent that this Ordinance and the agreement authorized pursuant to this Ordinance are in conflict with the provisions of Sections 138-20 through 138-26 of the Code of Ordinances of the City of Atlanta relating generally to encroachments, such provisions are hereby waived to the extent of such conflict.

**Section 4.** All ordinances or parts of ordinances in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.



A true copy,

Deputy Clerk

**ADOPTED** by the Council  
**APPROVED** by the Mayor

JULY 07, 2003  
JULY 12, 2003

## **Memorandum of Agreement Concerning the "Downtown Atlanta Bicycle Rack Program"**

This Memorandum of Agreement (hereinafter the "**Agreement**") between the City of Atlanta (hereinafter the "**City**"), a municipal corporation of the State of Georgia, and the Downtown Atlanta Community Improvement District (hereinafter the "**District**"), through its operating corporation, the Atlanta Downtown Improvement District, Inc., a public corporation of the State of Georgia, is entered into this \_\_\_\_ day of June, 2003.

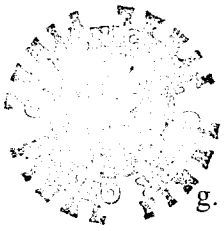
### **A. PURPOSE**

The Purpose of this Agreement is to establish and govern a program for the installation of bicycle racks in the public right-of-way to enhance the use of downtown Atlanta's streets and sidewalks by encouraging the use of alternative transportation. This program, the "Downtown Atlanta Bicycle Rack Program" (the "Program"), is a joint program of the City and the District intended to improve the general welfare of the City's citizens, workers, and visitors.

### **B. GENERAL UNDERSTANDING**

1. The major elements to the Program are listed below:

- a. The Program is funded through a combination of federal transportation funds and matching funds provided by the District. No City funds will be used to implement the Program.
- b. The bicycle racks to be installed are currently in possession of the City of Atlanta, and shall be provided by the City of Atlanta at no cost to the District.
- c. Prior to installation of any bicycle racks, the District will provide a plan to the Commissioner of Public Works which shall indicate the sidewalks and other rights-of-way proposed to be involved in the Program and the proposed location of bicycle racks on such sidewalks and other rights-of-way. Within two weeks of the receipt thereof, the Commissioner of Public Works shall return the plan to the District indicating his approval of the plan or the modifications that must be made to the plan in order to receive his approval.
- d. The District will install or cause to be installed using a City-approved subcontractor such bicycle racks at the locations indicated on the approved plan. Such racks shall be installed as soon as practicable following the approval of the locations by the Commissioner of Public Works.
- e. No bicycle rack shall be installed under this Program which contains or has affixed thereupon any advertisement of any event or occurrence to take place under the sponsorship or for the benefit of any person operating for profit.
- f. Except as may be required for the review, approval, and inspection of the proposed locations for the bicycle racks, no City agency may use any City personnel or any City equipment to install or to aid in the installation of any bicycle racks along the City right-of-way associated with this Program.



- g. The District will be responsible for all financial and physical obligations relating to the installation of bicycle racks through the Program.
2. The District agrees to indemnify and hold the City, its officers, agents, and employees harmless from any and all claims arising out of the placement or use of the bicycle racks installed through this Program, including any damage to persons or property resulting from such placement or use.
  3. The District will partner with select contractors to perform technical support functions associated with bicycle rack installation.
  4. The Commissioner of Public Works shall have the authority to rescind this Agreement upon a written determination that the District has failed to substantially comply with the conditions of this Agreement; provided, that the Commissioner of Public Works shall first provide written notice containing such determination to the District, and allow ten (10) business days from receipt of such notice for the District to demonstrate substantial compliance with all conditions of this Agreement.
  5. The Program will continue until all bicycle racks proposed to be installed under the Program are installed, as long as both parties agree, and as long as adequate funding is available.
  6. No fees will be assessed by the City to the District for this Program. However, any damage to sidewalks or other rights-of-way as a direct result of the installation of bicycle racks under this Program will be the responsibility of the District.
  7. Any amendment, change, or modification to this Agreement must be agreed to in writing by both parties.
  8. The Effective Date of this Agreement shall be the date first noted above.
  9. Each party represents and warrants that it has the authority to enter into this Agreement and that its governing body has authorized, by proper action, the execution and delivery of this Agreement.

**DOWNTOWN ATLANTA  
COMMUNITY IMPROVEMENT  
DISTRICT**

\_\_\_\_\_  
A.J. Robinson  
President  
Atlanta Downtown Improvement District, Inc.

Date \_\_\_\_\_

**CITY OF ATLANTA  
DEPARTMENT OF PUBLIC  
WORKS**

\_\_\_\_\_  
John Griffin  
Interim Commissioner of Public Works  
City of Atlanta

Date \_\_\_\_\_

RCS# 4853  
7/07/03  
4:05 PM

Atlanta City Council

Regular Session

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CONS AGEN I Pgs 1 - 14 except:0715,0976  
0852, 0950, 0946, 0963, 0926, 0975  
ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 0  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	B Woolard

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		7/07/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-0850 2. 03-O-0949 3. 03-O-0955 4. 03-O-0909 5. 03-O-0961 6. 03-O-0553 7. 03-O-0925 8. 03-R-0981 9. 03-R-0956 10. 03-R-0965 11. 03-R-1033 12. 03-R-0920 13. 03-R-0945 14. 03-R-0966 15. 03-R-0967 16. 03-R-0968 17. 03-R-0969 18. 03-R-0977 19. 03-R-0978 20. 03-R-0979 21. 03-R-0889 22. 03-R-0940 23. 03-R-0941 24. 03-R-0942 25. 03-R-0943 26. 03-R-0944 27. 03-R-0962 28. 03-R-0983 29. 03-R-0984 30. 03-R-0985 31. 03-R-0986 32. 03-R-0987 33. 03-R-0988 34. 03-R-0989 35. 03-R-0991 36. 03-R-0992 37. 03-R-0994	38. 03-R-0989 39. 03-R-0991 40. 03-R-0992 41. 03-R-0994 42. 03-R-0995 43. 03-R-0996 44. 03-R-0997 45. 03-R-0998 46. 03-R-0999 47. 03-R-1000 48. 03-R-1001	49. 03-R-1002 50. 03-R-1004 51. 03-R-1005 52. 03-R-1006 53. 03-R-1007 54. 03-R-1008 55. 03-R-1009 56. 03-R-1010 57. 03-R-1011 58. 03-R-1012 59. 03-R-1013 60. 03-R-1014 61. 03-R-1015 62. 03-R-1016 63. 03-R-1017 64. 03-R-1018 65. 03-R-1019 66. 03-R-1020 67. 03-R-1021 68. 03-R-1022 69. 03-R-1023 70. 03-R-1024 71. 03-R-1025 72. 03-R-1026 73. 03-R-1027 74. 03-R-1028

Consent I Vote: 15 Yeas; 0Nays: (See RCS #4853)

Items Removed from the Consent Agenda: 03-O-0852; 03-O-0926; 03-O-0950; 03-R-0715; 03-R-0946; 03-R-963; 03-R-0975; 03-R-0976

**03-0-0961**  
(Do Not Write Above This Line)

An Ordinance by Councilmember Debi Starnes:

To approve the City of Atlanta's participation in a program to install bicycle racks in Downtown Atlanta; to authorize the Mayor or her designee the Commissioner of Public Works to enter into an agreement with the Downtown Atlanta Community Improvement District relating to such program; to waive conflicting ordinances; and for other purposes.

**ADOPTED BY**

JUL 07 2003

**COUNCIL**

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 6/16/03

Referred To: City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred To \_\_\_\_\_

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Members

Debi Starnes

John M. Smith

Paula Smith

Carla Smith

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION  
☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
JUL 07 2003  
Council President Pro Tem

CERTIFIED  
JUL 07 2003  
Paula Smith  
Municipal Clerk

MAYOR'S ACTION

JUL 12 2003

Paula Smith